

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Gram Panchayats – East Godavari District – Cancellation of resolution passed by the Gram Panchayat, Anaparthi and De-notification of Anaparthi Gram Panchayat-Notifications – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (Pts.IV) DEPARTMENT

G.O.Ms.No. 373

Dated: 29 -11-2012.

Read the following: -

1. G.O.Ms.No.542, PR&RD (Pts.IV) Dept., dt.03-12-2007.
2. From the Dist. Collector, E.G Lr. Roc. No.H6/1493/09, dt.10.12.09.
3. From the C&DMA, Hyd, Lr. Roc. No.21423/2009-Ele.1, dt.15-12-09.
4. Govt. Memo No.5167/Pts.IV-A1/2010-1, dt.29.04.2010.
5. From the DPO, E.G., Lr Roc.No. 2673/09-A4, dt.24.12.2010.
6. Govt. Memo No.5167/Pts.IV-A1/2010-2, dt.16.06.2011.
7. From the DPO, E.G., Lr Roc.No. 2673/09-A4, dt.07.07.2011.
8. From the Hon'ble High Court order dt. 30-06-2011 in the W.P.No. 18228/11 received by the Government on 30.07.2011.
9. Govt. Memo.No.5167/Pts.IV/A1/10-3, DT: 08-07 -11.
10. From the DPO, E.G., Lr. Rc. No.2673/09/11,A4, dt.01-09-2011.
11. Govt. Memo.No.5167/Pts.IV/A1/10-5, DT: 18-10-2011.
12. From the Hon'ble High Court order dt. 02-03-2012 in the W.P.No. 18228/11.
13. Affidavit dt. 20.03.12 of the ward members of Anaparthi Gram Panchayat.

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ORDER:

In the letter 2nd read above, the District Collector, East Godavari has sent a proposal for up-gradation of Anaparthi Gram Panchayat as Nagar Panchayat. In the reference 3rd read above, the Commissioner and Director of Municipal Administration has reported that the criteria is satisfied to upgrade the said Gram Panchayat as Nagar Panchayat. The Gram Panchayat has not accepted the proposal vide their resolution No.48, dt. 08.10.09. Government after careful examination of the proposal of the District Collector, East Godavari, have provisionally decided to up-grade the Anaparthi Gram Panchayat as Nagar Panchayat. Accordingly, a show cause notice was issued to the said Gram Panchayat asking them as to why the resolution No.48, dt. 08.10.09 passed by them cannot be cancelled vide Government Memo. 6th read above.

2) In the letter 7th read above, the District Panchayat Officer, East Godavari, has reported that the Gram Panchayat Anaparthi has again opposed the upgradation proposal and also they have stated that earlier Government have upgraded their Gram Panchayat as Nagara Panchayat. Due to Hon'ble High Court orders Government have again de-notified the Nagra Panchayat as Gram Panchayat. Further, their tenure is five years as per section 13(1) and 14(3) of Andhra Pradesh Panchayat Raj Act, 1994 and they got 3 years 3 months tenure period as on 23.06.2011. Hence, they have opposed the upgradation proposal vide their resolution No.5, dt. 23.06.2011. Subsequently the Sarpanch, Anaparthi has filed a W..P.No. 18228/11 in the Hon'ble High Court of Andhra Pradesh and prayed the Hon'ble court that to set aside the Government Memo No. 5167/Pts.IV/A1/10-2, dt.16.06.2011.

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3) In the reference 8th read above, the Hon'ble High Court has passed status quo orders in the matter. In reference 11th read above Government have filed counter in the W.P.No. 18228/11.

4) In the reference 12th read above, the Hon'ble High Court has disposed the W.P.No. 18228/2011 and ordered that the Anaparthi Gram Panchayat is permitted to submit its reply to the Memo No. 5167/Pts.IV/A1/10-2, dt.16.06.11 issued by the Government within thirty (30) days from the date of receipt of the order and on submission of such reply, the 1st respondent i.e. Principal Secretary to Government (Panchayat Raj) shall consider the same on merits and pass appropriate orders in accordance with law. The Gram Panchayat Anaparthi or Sarpanch, Anaparthi Gram Panchayat have not submitted any representation to the Government within stipulated time. After lapse of (6) six months the Sarpanch has submitted a representation to the Government and mentioned various reasons and requested that not to upgrade their Gram Panchayat as Nagar Panchayat. But, the Sarpanch has not submitted his representation within stipulated time as per the orders of the Hon'ble High Court of A.P in the W.P.No.18228/11. Hence, Government has not taken into consideration of the representation of the Sarpanch, Anaparthi Gram Panchayat.

5) In the reference 13th read above, some of the Ward members of the Anaparthi Gram Panchayat have submitted an affidavit in which they have requested to constitute their Gram Panchayat as Nagar Panchayat and also they have stated that the earlier resolution could not be taken into consideration as it was passed forcibly.

6) Government have examined the objections raised by the Gram Panchayat, Anaparthi as per the provisions of Andhra Pradesh Panchayat Raj Act, 1994 and the rules made there under and felt that the objection of the Gram Panchayat in resolution No.48, dt.08.10.09 is not maintainable. The decision of upgradation of the Nagar Panchayat has been taken in the larger interests of the people of the area keeping in view of its overall development and to improve better amenities to the public. Therefore, the Government have decided to cancel the resolution No. 48, dt.08.10.09 passed by the Gram Panchayat, Anaparthi and also decided to upgrade the Gram Panchayat, Anaparthi as Nagar Panchayat in East Godavari District.

7) Government, after careful examination have decided to cancel the Notification issued, declaring the Anaparthi village as Gram Panchayat, so as to upgrade the Gram Panchayat as Nagar Panchayat.

8) Therefore, the following Notifications will be published in an Extraordinary Issue of the Andhra Pradesh Gazette dated: 30-11-2012.

9) The Commissioner of Printing, Stationary & Stores Purchase, Hyderabad shall publish the following Notification in the Andhra Pradesh Gazette and furnish (30) copies of the same to the Government immediately.

NOTIFICATION-I

In exercise of the powers conferred by sub section (1) of section 246 of the Andhra Pradesh Panchayat Raj Act, 1994 (Andhra Pradesh Act. No.13 of 1994) the Governor of Andhra Pradesh hereby cancels the Resolution No. 48, dated 08.10.2009 passed by the Gram Panchayat, Anaparthi East Godavari, District opposing for upgrading the Gram Panchayat as Nagar Panchayat.

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NOTIFICATION-II

In exercise of the powers conferred by clause (f) of sub-section (2) of section 3 of the Andhra Pradesh Panchayat Raj Act, 1994 (Andhra Pradesh Act No.13 of 1994) read with clause (i) of sub-rule (1) of rule 12 of the Andhra Pradesh Gram Panchayats (Declaration of Villages) Rules,2007 issued in the G.O.Ms.No. 542, Panchayat Raj and Rural Development (Pts.IV) Department, dt.3.12.2007, the Governor of Andhra Pradesh hereby cancels the Notification Issued declaring the Anaparthi Village as Gram Panchayat, so as to upgrade the Gram Panchayat as Nagar Panchayat.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Commissioner, Printing, Stationary & Stores Purchase, Hyderabad.
The Commissioner, Panchayat Raj and Rural Employment, A.P., Hyderabad.
The District Collector, East Godavari , District.
Copy to:-
The District Panchayat Officer, E.G., District.
The P.S. to Spl .Secy. to C.M.
The P.S. to Minister (PR&RWS).
The MA&UD (Elec.1) Department.,
The Law (A) Department.
The PR&RD (Genl) Dept.,
SC/SF.

// FORWARDED:: BY ORDER //

SECTION OFFICER